

400 Garden City Plaza-Site 300  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY  
& PRESSER**

RECEIVED  
CENTRAL FAX CENTER

JAN 13 2006

# Fax

**To:** Examiner John H. Le  
Art Unit: 2863  
Confirmation No.: 9180

**From:** John S. Sensny

**Fax:** 571-273-8300

**Pages:** 10 pages including cover sheet

**Phone:**

**Date:** January 13, 2006

**Re:** Gheorghe C. Cascaval, et al.  
U.S. Serial No. 10/688,293  
Filed: 10/17/03  
Docket No. YOR920030301US1 (16832)

**CC:**

## AMENDMENT UNDER 37 C.F.R. §1.116 (Final Rejection)

Transmitted herewith are:

1. Amendment Transmittal Letter (in duplicate);
2. Amendment under 37 C.F.R. §1.116; and
3. Certificate of Transmission By Facsimile dated January 13, 2006.

**FOR:**

Applicants: Gheorghe G. Cascaval, et al.  
U.S. Serial No. 10/688,293  
Filed: 10/17/03  
Docket No. YOR920030301US1 (16832)

**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Julie Yanopoulos @ Ext. 569.

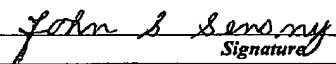
**BEST AVAILABLE COPY**

1-13-06: 8:30AM:SSMP FAX

JAN 13 2006

P18/REV02

JAN 13 2006

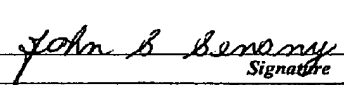
<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>YOR920030301US1 (16832)</b>	
Applicant(s): <b>Gheorghe C. Cascaval, et al.</b>						
Application No. <b>10/688,293</b>	Filing Date <b>October 17, 2003</b>	Examiner <b>John H. Le</b>	Customer No. <b>23389</b>	Group Art Unit <b>2863</b>	Confirmation No. <b>9180</b>	
Invention: <b>A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM</b>						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	1 -	24 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	1 -	7 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>50-0510/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 John S. Sensny Registration No. 28,757  Correspondence Address Customer No. 23389			Dated: <b>January 13, 2006</b>  <div style="border: 1px solid black; padding: 5px;">         I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____          (Date)           _____          Signature of Person Mailing Correspondence           _____          Typed or Printed Name of Person Mailing Correspondence       </div>			
cc: JSS:jy						

P11LARGE/REV09

JAN 13 2006

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): <b>Gheorghe C. Cascaval, et al.</b>			Docket No. <b>YOR920030301US1 (16832)</b>	
Application No. <b>10/688,293</b>	Filing Date <b>October 17, 2003</b>	Examiner <b>John H. Le</b>	Group Art Unit <b>2863</b>	
Invention: <b>A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM</b> CONFIRMATION NO.: <b>9180</b>				
<p>I hereby certify that this <u>AMENDMENT UNDER 37 C.F.R. §1.116</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>Janaury 13, 2006</u> (Date)</p> <p style="text-align: right;"><u>John S. Sensny</u> (Typed or Printed Name of Person Signing Certificate)  <u>John S. Sensny</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

P18/REV02

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					<b>Docket No.</b> <b>YOR920030301US1 (16832)</b>	
<b>Applicant(s): Gheorghe C. Cascaval, et al.</b>						
<b>Application No.</b> 10/688,293	<b>Filing Date</b> October 17, 2003	<b>Examiner</b> John H. Le	<b>Customer No.</b> 23389	<b>Group Art Unit</b> 2863	<b>Confirmation No.</b> 9180	
<b>Invention: A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM</b>						
<b><u>COMMISSIONER FOR PATENTS:</u></b>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	<b>CLAIMS REMAINING AFTER AMENDMENT</b>	<b>HIGHEST # PREV. PAID FOR</b>	<b>NUMBER EXTRA CLAIMS PRESENT</b>	<b>RATE</b>	<b>ADDITIONAL FEE</b>	
<b>TOTAL CLAIMS</b>	1 -	24 =	0	x \$50.00	\$0.00	
<b>INDEP. CLAIMS</b>	1 -	7 =	0	x \$200.00	\$0.00	
<b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>50-0510/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 <b>John S. Sensny</b> <b>Registration No. 28,757</b>  <b>Correspondence Address</b> <b>Customer No. 23389</b>			<b>Dated: January 13, 2006</b>			
<b>cc: JSS:jy</b>			<div style="border: 1px solid black; padding: 5px;"><div style="text-align: center;"><del>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</del></div><div style="text-align: center;"><del>(Date)</del></div><div style="text-align: center;"><del>Signature of Person Mailing Correspondence</del></div><div style="text-align: center;"><del>Typed or Printed Name of Person Mailing Correspondence</del></div></div>			

P11LARGE/REV09

RECEIVED  
CENTRAL FAX CENTER

JAN 13 2006

Response Under 37 C.F.R. §1.116  
Expedited Procedure Examining  
Examining Group 2863

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Gheorghe C. Cascaval, et al.

Examiner: John H. Le

Serial No: 10/688,293

Art Unit: 2863

Filed: October 17, 2003

Docket: YOR920030301US1 (16832)

For: A MECHANISM FOR ON-LINE  
PREDICTION OF FUTURE  
PERFORMANCE MEASUREMENTS  
IN A COMPUTER SYSTEM

Dated: January 13, 2006

Confirmation No.: 9180

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. §1.116**

Sir:

In response to the Office Action dated June 28, 2005, please amend the subject  
patent application as follows:

---

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and  
Trademark Office on the date shown below.

Dated: January 13, 2006

John S. Sensny  
John S. Sensny

G:\IBM\105\16832\amend\16832.am3.doc